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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,162	12/18/2001	Katsumi Toyama	275764US6	6455
22850 7590 12/19/2006 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PAPE, ZACHARY	
			ART UNIT 2835	PAPER NUMBER
			MAIL DATE 12/19/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Bj

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/024,162

Applicant(s)

TOYAMA ET AL.

Examiner

Zachary M. Pape

Art Unit

2835

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 4, 6-9.
Claim(s) rejected: 1-3 and 5.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the attached "Request For Reconsideration" document.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Request For Reconsideration

Response to Arguments

1. Applicant's arguments filed 11/29/2006 have been fully considered but they are not persuasive.

With respect to the Applicants' remarks that, "182 patent fails to disclose that the memory card slots are orientated in a planar array to accept a plurality of memory cards in a same loading orientation" the Examiner respectfully disagrees. As illustrated in Fig 1 of Chen, the plane of the "planar array" is the front face 13, and the array of the "planar array" is the array of slots 14 and 15 arranged in the plane. For at least this reason Chen teaches a "planar array" as claimed.

With respect to the Applicants' remarks that Iwata fails to teach the LED's in combination with all the remaining limitations of the claim (See Pages 5 and 6 of the present remarks), the Examiner respectfully notes that it was never the Examiner's position that Iwata teach the LED limitations with all the remaining limitations of the claim, rather that it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the LED indicator lights of Iwata to the teachings of Chen to produce the same invention as that presently claimed.

With respect to the Applicants' remarks that Grewe et al. fails to teach the loading tray in combination with all the remaining limitations of the claim (See pages 6 of the present remarks), the Examiner respectfully notes that it was never the Examiner's position that Grewe teach the remaining limitations of the claim, rather that it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to add the teachings of Grewe to the teachings of Chen and Iwata to produce the same invention as that presently claimed.

With respect to the Applicants' remarks that, "the '104 patent merely discloses a single LED for a single drive, but does not teach or suggest LEDs corresponding to each of a plurality of memory card slots", the Examiner respectfully disagrees and notes that both the disk drive and CD-ROM drive are respective "memory slots" (I.E. a disk drive is a memory device, as well as a CD which are inserted into respective slots) and therefore teaches the limitations as presented in claim 1. Further the Examiner notes that adding LED lights to drives to serve as a drive indicator is notoriously old and well known in the art.

With respect to the Applicants' remarks that, "The remote control unit 30 disclosed by the '608 patent is not part of a portable memory card drive as required by claim 3", the Examiner respectfully disagrees. The remote is in fact part of the portable memory card drive for at least the reason that the drive is enabled to work with the remote (See Column 3, Lines 24-35 of Grewe). If the Applicant's intend to mean that the memory card selector switch is structurally part of the portable memory card drive (I.E. is not separable therefrom) then the Examiner respectfully notes that such limitations are not present in the claims.


Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Fri. (7:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached at 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZMP


LISA LEA-EDMONDS
PRIMARY EXAMINER